

Message

---

**From:** Santell, Stephanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A75DFA14AE3D4E5B9E57E5D30B76F9D1-SANTELL, STEPHANIE]  
**Sent:** 9/4/2018 4:18:54 PM  
**To:** Lewicki, Chris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7688d5b97aa94ba6af2f38984d479b56-CLewicki]  
**Subject:** RE: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

Shizzle

---

**From:** Lewicki, Chris  
**Sent:** Tuesday, September 4, 2018 10:59 AM  
**To:** Santell, Stephanie <Santell.Stephanie@epa.gov>  
**Subject:** RE: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

At last staff mtg, Jim said TPs are only for cross-office issues.

So we don't need anything for OD's mtg. We will have to figure out how to convey incoming info to John that is not cross-office

---

**From:** Santell, Stephanie  
**Sent:** Tuesday, September 04, 2018 10:49 AM  
**To:** Lewicki, Chris <Lewicki.Chris@epa.gov>  
**Subject:** FW: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

I feel we may need a litigation TP on this?

---

**From:** Hunter, Christopher  
**Sent:** Tuesday, September 4, 2018 9:46 AM  
**To:** Santell, Stephanie <Santell.Stephanie@epa.gov>  
**Subject:** FW: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

FYI – specifics on the article I just forwarded

---

**From:** Glazer, Thomas  
**Sent:** Friday, August 31, 2018 11:01 AM  
**To:** Hunter, Christopher <Hunter.Christopher@epa.gov>; Havard, James <Havard.James@epa.gov>  
**Cc:** Sweeney, Stephen <Sweeney.Stephen@epa.gov>  
**Subject:** FW: NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

FYI re: Oregon – let me know if you want to discuss. I know the RA was briefed on this issue weeks ago and I'm checking with ORC [Attorney Client / Deliberative Process / Ex. 5]

(Obviously we're likely to face further litigation on OA here, but [Attorney Client / Deliberative Process / Ex. 5]  
[Attorney Client / Deliberative Process / Ex. 5]

Tom Glazer  
USEPA Office of General Counsel  
Water Law Office  
7426N WJC North  
(202) 564-0908

---

**From:** Glazer, Thomas

**Sent:** Friday, August 31, 2018 10:57 AM

**To:** OGC Immediate Office MGMT <[OGC\\_Immediate\\_Office\\_MGMT@epa.gov](mailto:OGC_Immediate_Office_MGMT@epa.gov)>; OGC Immediate Office Support <[OGCFrontOfficeSupportStaff@epa.gov](mailto:OGCFrontOfficeSupportStaff@epa.gov)>

**Cc:** Schroer, Lee <[schroer.lee@epa.gov](mailto:schroer.lee@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)>

**Subject:** NOTICE OF INTENT TO SUE -- Clean Water Act Section 303(d)

On Aug. 28, 2018, the Center for Biological Diversity transmitted the attached Notice of Intent to Sue over alleged EPA inaction with respect to Oregon's 2012 Section 303(d) List. On December 21, 2016, EPA partially approved and partially disapproved Oregon's 2012 303(d) list, proposing to add 332 waterbody segments to the State's list and expressly taking no action with respect to potential marine water impairments due to ocean acidification. EPA has not taken any further action with respect to the State's list since that time. The NOI alleges a failure to perform a non-discretionary duty under CWA section 303(d) to identify impaired Oregon waters, including those impaired by ocean acidification, after EPA's partial disapproval of Oregon's 2012 303(d) list, as required by section 303(d)(2) of the CWA, 33 U.S.C. § 1313(d)(2).

Tom Glazer

USEPA Office of General Counsel

Water Law Office

7426N WJC North

(202) 564-0908